REMARKS/ARGUMENTS

Claims 1, 7 and 15 are pending in the present application. Claims 1, 7 and 15 have been amended herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 103, Obviousness

Claims 1, 7 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dailey et al. (U.S. Patent No. 6,363,352), hereinafter "Dailey" in view of Walther et al. (U.S. Publication No. 2003/0217073), hereinafter "Walther". This rejection is respectfully traversed.

Generally speaking, Dailey is cited as teaching the generation of an invitation list for a meeting, and the sending of invitations and receiving associated acceptance messages for such meeting. Walther is cited as teaching calculating a probability of the number of meeting attendants who will be available to attend a meeting. Per the Examiner's assessment, the combined teachings of the cited references teach all features of all pending claims except for displaying each of the users and the respective probable attendance for each of the users in a user interface, which the Examiner asserts is obvious. Applicants urge that the teachings of the cited reference are fundamentally different from what is provided by the claimed features for several reasons – (1) per the teachings of the cited references, the user availability is determined *prior to* establishment of the meeting (Walther Figure 4, element/block 404 *followed by* element/block 403), which is in contrast to the claimed features where user availability is determined *after* invitations to the meeting have already been processed (sent out, and receipt of associated responses); (2) per the teachings of the cited references, there is only a binary decision of yes/no as to whether an invitation will be sent to an individual based on a binary status (free/busy) of such individual (Walther paragraph [0049]), which is in contrast to the claimed features that take into account multiple conflicts with respect to a given scheduled event; and (3) per the teachings of the cited references there is no weighting of a probability value of attendance, which is in contrast to the claimed features of Claims 7 and 15 the probability value is weighted for an identified schedule conflict of a user. These distinctions will now be described in detail.

With respect to Claim 1, such claim recites "identifying a *schedule conflict of a user associated with an* <u>acceptance</u> *message* of the plurality of acceptance messages, wherein identifying the schedule conflict comprises *accessing a schedule store of a respective user device*

that generated the acceptance message". As can be seen, per this aspect of Claim 1, schedule conflicts are identified for users *associated with an acceptance message for a scheduled event for which an invitation is sent.* In contrast, the cited Walther reference describes using a user's availability to determine whether or not to send an invitation to the meeting in the first place. Because Walther uses user availability as an initial screening/filtering action in order to determine who to send meeting invitations to, this Walther user availability determination does not describe *determining schedule conflicts for users associated with an acceptance message* as there are no acceptance messages in existence when Walther performs its user availability determination – since Walther uses the user availability in determining whether or not to send a meeting invitation to a user, there does not yet exist any corresponding acceptance messages during the user availability determination since the invitations have not yet been sent when Walther makes the user availability determination. The significance of this missing claimed feature, which is not taught or suggested by any of the cited references, will become even more apparent when viewed in light of the following discussions regarding attendance probability determination using multiple conflicting events.

Further with respect to Claim 1, such claim recites "for each of the plurality of users for which an acceptance message has been received from, identifying a schedule conflict of a user associated with an acceptance message of the plurality of acceptance messages, wherein identifying the schedule conflict comprises accessing a schedule store of a respective user device that generated the acceptance message, wherein the schedule conflict of the user is identified *if the user has a plurality of time-overlapping events* with respect to the first scheduled event that the user has previously accepted in their own calendaring system" (emphasis added), and "responsive to identifying the schedule conflict, calculating, for each of the plurality of users, a probable attendance from the plurality of acceptance messages". As can be seen, these features of Claim 1 advantageously provide for calculating probable attendance for each of the users who accepted a scheduled event, and such probable attendance is calculated in response to identifying actual schedule conflicts with respect to a scheduled event for which the user has already accepted an invitation to. The schedule conflict is identified if the user has a *plurality* of time-overlapping events with respect to the first scheduled event that the user has previously accepted in their own calendaring system.

As to the claimed feature of "identifying a schedule conflict of a user associated with an acceptance message of the plurality of acceptance messages", the Examiner expressly acknowledges that Dailey does not teach this claimed step. Applicants urge that Walther similarly does not teach or suggest this claimed step, as Walther is directed to a system that *avoids conflicts altogether*, where if a user already has a calendared event that overlaps with the potential calendar event that is attempting to be scheduled, *that user with the preexisting calendaring event is eliminated from further consideration* – and is treated as if they will *not* be attending the calendaring event (Walther paragraph [0050]). There is no determination *for a given user* as to *their* attendance probability based on a *plurality* of actual scheduling conflicts that a given user has with respect to a proposed event.

While 'shades of grey' is not explicitly recited in the claims, the features of Claim 1 *advantageously provide for* 'shades of grey' in determining a given user's probability of attending a meeting based on (1) their own calendar and (2) the number of (multiple) actual conflicts that actually exist on such user's calendar (Figure 5, block 516). In contrast, per the teachings of Walther there is no attendance probability 'shades of grey' determination, but instead there is a 'black and white' determination where a user can either attend because there is no overlapping calendaring event (and an invitation is then sent to such user), or they cannot attend because there is an overlapping calendaring event (and an invitation is not sent to such user). Thus, the features of the present invention provide a finer level of granularity determination regarding a probability attendance, as *the number of actual conflicts* ('plurality of actual scheduling conflicts') *for a given user* is used in the probable attendance calculation, whereas per Walther a coarser level of granularity is provided, since if a user already has an overlapping calendaring event with respect to the proposed calendaring event, they are *excluded from even being invited to the meeting*. For users who are invited, there is no determination made with respect to a given individual as to *their probability of attendance*.

The Examiner opines that Walther determines whether an attendee will 'probably' or 'improbably' attend the meeting, and this therefore reads on the claimed 'probable attendance' determination of the claims. Walter does not describe any probably/improbably determination, because Walther actually describes determining whether a user is 'busy' or 'free', and does not describe any type of 'probable/improbable' determination. For example, per the teachings of Walther, if the user is busy they are not even sent an invitation – and therefore there is no

resulting 'probable attendance' determination. Restated, Walther's user conflict determination is used to determine whether or not to *send a message*, and does not provide any determination as to the probability that a given user will *actually attend*. This is because Walther's only determines a percentage of overall users that are free to attend a meeting (paragraph [0050]), before the meeting invitation is even sent out. It makes no probability determination of attendance for a given user who has accepted an invitation, as per Claim 1.

Further with respect to Claim 1, Applicants have amended such claim to further define features/characteristics associated with the probable attendance calculation. As further described below with respect to Claims 7 and 15, none of the cited references teach or suggest the claimed features associated with such probable attendance calculation.

Applicants initially traverse the rejection of Claims 7 and 15 for similar reasons to those given above with respect to Claim 1.

Further with respect to Claim 7 (and similarly for Claim 15), such claim recites "sixth instructions that calculates a respective probability value of attendance for each of the plurality of users for which an acceptance message was received, wherein at least one probability value is weighted for an identified schedule conflict of a user of the plurality of users". As can be seen, per this aspect of Claim 7 a probability value of attendance is calculated, and this probability value is *weighted for an identified schedule conflict*. It is urged that none of the cited references teach or suggest such weighting of a probability value of attendance. For example, the Examiner makes no assertion regarding any teaching/suggestion of any weighting aspects associated with a calculated probable attendance value. Walther merely describes determining if a user is free/busy, with no associated weighting. In addition, there would be no reason for Walther to weight identified schedule conflicts, because Walther *avoids* schedule conflicts (as previously described). Applicants have amended Claims 7 and 15 to further distinguish this claimed feature from the teachings of the cited reference. Thus, it is further urged that Claim 7 (and Claim 15) have been erroneously rejected due to these additional prima facie obviousness deficiencies.

Applicants have in any event amended Claims 7 and 15 to further distinguish this claimed feature from the teachings of the cited reference. Thus, it is further urged that Claim 7 (and Claim 15) is not obvious in view of the cited references, and is now in condition for allowance.

Therefore, the rejection of Claims 1, 7 and 15 under 35 U.S.C. § 103 has been overcome.

II. **Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

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